



Himmel & Bernstein, LLP
928 Broadway, Suite 1000
New York, NY 10010
T (212) 631-0200
F (212) 631-0205
www.hbesq.com

Tracey S. Bernstein
tbernstein@hbesq.com

February 1, 2017

By Efile & Email

Hon. Cathy Seibel
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Re: Lento v. City of Yonkers, et. al.; 16 cv 8819 (CS)

Dear Judge Seibel:

I represent plaintiff Joseph Lento in the above-captioned action.

Defendants' counsel filed a letter on January 25, 2017 seeking a pre-motion conference in advance of defendants' intended filing of a Rule 12(b) motion to dismiss. Your Honor then issued an order directing plaintiff to file his response to defendants' letter on or before February 8, 2017, and setting a pre-motion conference for February 15, 2017.

Yesterday, I advised defendants' counsel that plaintiff intends to file an Amended Complaint to address any alleged deficiencies. As such, I write with the consent of defendants' counsel to seek the Court's permission to adjourn the pre-motion conference and to set a date certain for the filing of the Amended Complaint under Rule 15(a).

Plaintiff is respectfully requesting, with the consent of the defendants, that he be given until February 24, 2017 to file the Amended Complaint. Defendants will then have the time provided for under Rule 15(a)(3) to Answer, or renew their request for a pre-motion conference in anticipation of a Motion to Dismiss under Rule 12(b).

Respectfully submitted,

Himmel & Bernstein, LLP

By: 

Tracey S. Bernstein

TSB/oho

Cc: Counsel for Defendants (via ECF & Email)